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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,475	12/15/2003	Paul Lincoln	1409 US	3476

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KEY SAFETY SYSTEMS, INC.
PATENT DEPARTMENT
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EXAMINER

GOODEN JR, BARRY J

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,475

Applicant(s)

LINCOLN ET AL.

Examiner

Barry J. Gooden Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 4-11, 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/4/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

At page 3 and 4, paragraph 10, 12 and 13 "at at least one" should be replaced with "at the at least one".

At page 4, paragraph 14 "contamination the interior" should be replaced with "contamination of the interior".

Appropriate correction is required.

Claim Objections

2. Claims 4-11 and 16-18 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim may not depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite as it is unclear what is meant by "in particular".

Claim 12 uses the term "and/or" wherein only the term "or" applies. The specification does not support the simultaneous use of both seamless continuous tube and seamless tubular meter goods. It is unclear as to whether the limitation following "and/or" is to be included or not.

Claim 12 is indefinite as it is unclear what is meant by "meter goods".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saiguchi et al., US Patent 6,715,788 B2, in view of Devonport, US Patent 6,382,666 B1.

In regards to claims 1-3, Saiguchi et al. show an airbag module, disposed in a vehicle seat as an anti-submarining ("prevents a submarine phenomenon", Abstract) airbag module comprising:

an inflator or a connection (380) therefor;

a tubular airbag (322); and

wherein the airbag module (322) is designed without a housing (Figure 27).

Saiguchi et al. disclose the claimed elements except being folded transversely to form loops and having a clamping member introducible to the loops.

Devonport teaches a tubular airbag (33), the two free ends (33e) of which are folded over at least once transversely relative to the longitudinal direction of the airbag to form loops (See Figure 6a); and

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wherein introducible to the loops of the airbag (33) is a clamping member (44 and 45), by means of which the two layers (there are two layers of 33) of the folded-over parts of the airbag (33) are brought into contact to seal the airbag at least partially in a gastight manner.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag of Saiguchi et al. in view of the teachings of Devonport to include the ends being folded so as to form loops having clamping members introducible to the loops so as to provide an alternative connection which is strong and reliable and so as to facilitate assembly.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Devonport in view of Busgen et al, US Publication 2002/0067031 A1.

In regards to claim 12, Devonport shows an airbag (33) for an airbag module, wherein the airbag (33) is formed from a portion of tube, the free ends of which (33e), to form loops (as seen between clamping element 44 and 45), are folded over at least once transversely relative to its longitudinal direction and fixed to a part of the airbag (33).

Although Devonport does not explicitly claim a seamless continuous tube it would have been obvious to one having ordinary skill in the art to make the airbag of seamless continuous material so as to provide a more secure and lower leakage airbag (*Schenck v. Nortron Corp.*).

In addition, Busgen et al. teach the use of a seamless inflatable textile member (Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag of Devonport in view of the teachings of Busgen et al. to include an airbag being formed of a seamless continuous tube so as to eliminate seams and reduce leakage.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Devonport in view of Busgen as applied to claim 12 above, and further in view of Utsumi et al., US Patent 6,220,626 B1.

In regards to claim 13, Devonport shows the claimed airbag excluding the airbag substantially retaining its initial circumference and its initial length (deflated state) in the inflated state. Utsumi et al. teach of an airbag substantially retaining its initial circumference and length (See Figure 1). It would have

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been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag of Devonport in view of the teachings of Utsumi et al. to include maintaining its initial circumference and length so as to provide a secure, "softy restraining" (Column 2, line 32) and non-invasive (so as to not injure the occupant) airbag.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kami et al. teach that an airbag may be folded over and then clamped. Eckert et al. teach a tubular airbag being clamped at the end regions. Saiguchi et al. teach of an anti-submarining airbag module without a housing in a seat.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barry J Gooden Jr.
Examiner
Art Unit 3616

BJG


PAUL N. DICKSON
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